

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	) No. ED95976
Plaintiff/Respondent,	) Appeal from the Circuit Court
v.	) of the City of St. Louis
DONALD A. ADAMS,	) Honorable Julian L. Bush
Defendant/Appellant.	) Date: October 25, 2011

Defendant appeals from a judgment entered on a jury verdict finding him guilty of assault in the second degree, in violation of section 565.060 RSMo (2000); armed criminal action, in violation of section 571.015; and unlawful use of a weapon, in violation of section 571.030. The trial court found defendant to be a prior and persistent offender and sentenced him to three years' imprisonment on the assault count, seven years' imprisonment on the armed criminal action count, and fifteen years' imprisonment on the weapons count, all sentences to be served concurrently.

AFFIRMED AS MODIFIED.

#### Division Two Holds:

1. Any error in admission of prior bad act evidence was not outcome-determinative.
2. There are no extraordinary circumstances for conducting plain error review of propriety of voir dire questions to which no objection was made.
3. Trial court erred in finding defendant to be a "persistent offender" in its written judgment when the court had orally found that defendant had only one prior felony conviction, which the state did not dispute.

Opinion by: Kathianne Knaup Crane, P.J.  
Kenneth M. Romines, J. and Roy L. Richter, J., concur.

Attorney for Respondent: Chris Koster and Timothy A. Blackwell

Attorney for Appellant: N. Scott Rosenblum and Erin R. Griebel

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
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